

REMARKS

By this Amendment, claims 1 and 4-14 are amended to merely clarify the recited subject matter, claims 2 and 3 are cancelled without prejudice or disclaimer. Claims 1 and 4-14 are pending.

Applicants traverse the objection of claims 4-7 for improper multiple dependency because a Preliminary Amendment (see Item 25 in the Application Transmittal Letter) which corrected the dependencies was filed February 09, 2001 together with the national phase filing. The Office Action appears to have overlooked that Preliminary Amendment. Claims 4-7 are, therefore, in proper format.

The indication of allowable subject matter in claims 8-10 and 13 is acknowledged. Those claims have been written in independent form in the current Amendment; therefore, claims 8-10 and 13 are allowable.

Claims 1, 3, 11, 12 and 14 were rejected under 35 U.S.C. 102(b) as being anticipated by Wesley (U.S. 6,076,114) and claims 2 and 3 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wesley in view of section 3.7 of "An Introduction to GSM" by Redl et al. (hereafter "Redl"). Applicants have cancelled the subject matter of claims 2 and 3 and substantially incorporated it into the rejected independent claims. Therefore, Applicants traverse the prior art rejections by arguing the deficiencies of the combined teachings of Wesley and Redl. Specifically, Applicants traverse the rejections because (1) the cited art fails to disclose, teach, or suggest all of the features recited in the rejected claims and, (2) one of ordinary skill in the art would not have combined the cited art as hypothesized by the Office Action.

PRIOR ART FAILS TO DISCLOSE, TEACH OR SUGGEST ALL CLAIM FEATURES

For example, the cited prior art, analyzed individually or in combination, fails to teach or suggest the claimed method, wherein the "need to change the timer value is determined repeatedly during a connection, in response to a handover.", as recited in claims 1 and 4-7, or equipment "adapted to set the current timer value to a value deviating from the initial value, should such a need be detected, repeatedly during a connection, in response to a handover", as recited in claims 11, 12 or 14.

Wesley merely discloses a solution for conventional problems of data latency, throughput and loss avoidance in hybrid networks which combine wired networks and

wireless networks. Wesley teaches use of an expanded User Datagram transport Protocol (UDPe) which resends discarded data and reorders out of order data even though it is based on an unreliable network protocol such as the IP protocol and an unreliable transport protocol such as the UDP protocol. This is achieved through the use of positive acknowledgement, retransmissions and packet reordering to facilitate a reliable communications link accomplished by dynamically changing a Round Trip Time ("RTT") timer as a function of the experienced latency and the trustworthiness of the communications link. The RTT timer is set to the expected RTT prior to data transmission; as a result, by modifying the expected RTT and by retransmitting data when actual data loss is detected, data may be reliably transmitted across a communications link.

The Office Action cited column 7, lines 60 - 65 of Wesley, according to which the RTT value is changed dynamically as a function of the experienced latency and the trustworthiness of the communications link. However, one of ordinary skill in the art would have recognized that Wesley's use of the term "dynamically" does not mean that the RTT value is changed "repeatedly." To the contrary, Wesley teaches that modification of the RTT value timer is performed only once per successful data packet transmission (see, column 8, lines 32-51).

Because there is only one first successfully transmitted data packet, Wesley's use of the term "dynamically" is not the same as the term "repeatedly" is used in the rejected claims. Therefore, Wesley fails to disclose, teach or suggest the claimed repeated determination of a need to change the timer value (claims 1 and 4-7) or the repeated setting of the current timer value, should a need be detected (claims 11, 12 and 14).

Redl fails to remedy these deficiencies of Wesley because Redl merely teaches generalized, conventional handover techniques with no mention of either (1) any repeated or periodic determination of a need to change a timer value or (2) corresponding repeated setting of such a value. Redl fails to teach any relationship between a need to monitor or set a timer value and the occurrence of handover.

Accordingly, the combined teachings of Wesley and Redl fail to provide the claimed method or equipment wherein the need to change the timer value is determined repeatedly during a connection, in response to handover, as recited in claims 1, 4-7, 11, 12 or 14. Accordingly, those claims are allowable over the combined teachings of Wesley and Redl.

NO MOTIVATION TO COMBINE PRIOR ART

Applicants also traverse any prior art rejection of the claimed invention because there is no motivation to combine the teachings of Wesley and Redl as hypothesized by the Office Action.

The stated motivation to modify the inaccurately characterized teachings of Wesley in accordance with the misconstrued teachings of Redl, is merely a speculative, hypothetical statement of result that fails to support an obviousness type rejection.

For example, the Office Action asserted that one of ordinary skill would have modified the teachings of Wesley based on Redl in order to compensate for time delay variations occurring due to handovers during data transmissions over a mobile data link. However, one of ordinary skill in the art would have recognized that such compensation was one of the primary objectives of the technique disclosed by Wesley; therefore, there would be no motivation to modify the teachings of Wesley if Wesley's technique was implemented.

Additionally, the Office Action asserted that it would have been obvious to one of ordinary skill to combine the teachings of Redl and Wesley to obtain the invention specified in now cancelled claim 2; such a statement of motivation amounts to nothing more than speculative, conclusory statements of potential result based completely on improper, hindsight analysis. There are no teachings or suggestions of the advantageousness of the hypothetical modification set forth by the Office Action. Moreover, there is no indication, other than the hindsight conclusions of the Office Action, that the hypothetical combination of the cited prior art would provide the result asserted by the Office Action.

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. There being no teaching or suggestion of the advisability of combining the reference teachings as the Office Action has hypothesized, the motivation to combine the references fails to adequately support the rejection to provide a *prima facie* case of obviousness. Thus, claims 1, 4-7, 11, 12 and 14 are allowable.

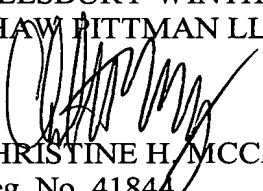
All rejections having been addressed, the Applicants request issuance of a Notice of Allowance indicating the allowability of the pending claims. If anything further is necessary to place the application in condition for allowance, the Applicants request that the Examiner contact the Applicants' undersigned representative at the telephone number listed below.

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Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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